

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

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**IPLEARN, LLC,**

**Plaintiff,**

**v.**

**BLACKBOARD INC.,**

**Defendant.**

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**Civil Action No. 11-876-RGA**

**BLACKBOARD, INC.'S MOTION TO EXTEND DEADLINE FOR EXCHANGE OF  
REBUTTAL EXPERT REPORTS BY ONE WEEK**

Defendant Blackboard, Inc. ("Blackboard") respectfully moves the Court for an extension of the deadline by which Blackboard and Plaintiff IpLearn, LLC ("IpLearn") must exchange rebuttal expert reports, from August 19, 2013, to August 26, 2013. The instant motion (the "Motion") does not seek to alter any other pre-trial deadlines, any hearing dates before the Court, or the trial date. In addition, this Motion does not prejudice IpLearn – indeed, during the meet and confer process pursuant to Local Rule 7.1.1, IpLearn indicated that it does not oppose the relief sought in this Motion.<sup>1</sup>

**I. GOOD CAUSE EXISTS FOR BLACKBOARD'S REQUESTED EXTENSION**

Blackboard seeks a short extension of the deadline by which Blackboard and IpLearn must exchange rebuttal expert reports. The current schedule calls for the exchange of rebuttal expert reports to occur on or before August 19, 2013. Blackboard seeks a brief, one week extension of this deadline, to August 26, 2013.

Blackboard makes its request to amend this single deadline for several reasons. Allan Kassenoff, one of the lead attorneys that represents Blackboard in this action, experienced the

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<sup>1</sup> Although IpLearn indicated that it does not oppose the relief sought herein, the parties were unable to agree on language to be included in a stipulation and proposed order, which necessitated the instant Motion.

birth of a child on Saturday, August 10, and he has been attending to the new bundle of joy and his family. Needless to say, the new addition to the Kassenoff family has unavoidably diverted Mr. Kassenoff's attention from the looming rebuttal expert report deadline.

Two other attorneys engaged in the representation of Blackboard unexpectedly are dealing with personal matters that necessitate their absence from the office. In addition, yet another of Blackboard's attorneys is out of the office on a previously scheduled vacation.

Blackboard is mindful of the Court's past Oral Orders in response to previous requests to amend numerous case deadlines. Blackboard does not make this request lightly, however, the unexpected unavailability of the majority of Blackboard's attorneys has made this single deadline extremely difficult to meet. Blackboard seeks an extension of only one deadline that does not affect any other pre-trial deadlines, any hearing dates before the Court, or the trial date. Accordingly, because Blackboard's requested extension would not impact the Court's calendar, the remaining case deadlines, or the scheduled trial date, Blackboard respectfully requests that the Court grant its request to extend the deadline for the exchange of rebuttal expert reports.

Finally, Blackboard's requested one-week extension would not prejudice IpLearn, as the requested extension would not impact any other deadlines the parties face. In addition, IpLearn has indicated that it does not oppose the relief sought in this Motion, which suggests that IpLearn itself does not believe that the requested one-week extension of one deadline would prejudice it.

## **II. CONCLUSION**

In sum, the unexpected simultaneous unavailability of a majority of Blackboard's attorneys has made it impossible for Blackboard to serve its rebuttal expert report on August 19, 2013, and a brief one-week extension of that deadline would enable Blackboard sufficient time to complete that report. Accordingly, Blackboard respectfully requests that the Court grant the Motion.

GREENBERG TRAURIG, LLP



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Dated: August 16, 2013

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